Second Regular Session - 2022

Moved by Anthon

Seconded by Agenbroad

# IN THE SENATE SENATE AMENDMENT TO H.B. NO. 735

## AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 17, delete "Further, it is the in-"; and delete lines 18 through 21, and insert: "It is also the intent of the Legislature that all administrative rules promulgated by the State Public Defense Commission shall expire on and after October 1, 2024, after the transition to the new model.".

#### AMENDMENT TO SECTION 3

On page 4, delete lines 27 through 47, and insert:

- "(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission on and after July 1, 2020, as follows:
  - (a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:
    - (i) The Beginning in fiscal year 2025 and each fiscal year thereafter, four million dollars (\$4,000,000) shall be transferred each quarter to the state public defense fund created in section 57-827, Idaho Code.
    - (ii) After the distribution required by subparagraph (i) of this paragraph, the revenue-sharing amount calculated by the state tax com-".

On page 5, in line 3, delete "(ii)" and insert: "(ii $\underline{i}$ )"; in line 7, delete "(iii)" and insert: "( $\underline{i}\underline{+}\underline{i}\underline{v}$ )"; in line 30, delete "(iv)" and insert: "( $\underline{i}\underline{v}$ )"; and delete line 40, and insert:

"(i) Fifty-nine Beginning in fiscal year 2025, five million dollars (\$5,000,000) shall be transferred each quarter to the state public defense fund created in section 57-827, Idaho Code. The growth percentage distributed pursuant to this subparagraph shall be recalculated each quarter beginning in fiscal year 2026 and in each fiscal year thereafter through fiscal year 2030. If the growth is positive and is calculated over the same period from the previous fiscal year, a proportional increase in the initial transfer amount of up to five percent (5%) annually shall be transferred to the state public defense fund. After fiscal year 2030, an amount equal to one-fourth (1/4) of the total amount transferred to the state public defense fund in fiscal year 2030 pursuant to this subparagraph shall be transferred quarterly to the state public defense fund;

 (ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine and eight-tenths percent (59.8%) of the amount to".

On page 6, in line 1, delete "(ii) Forty" and insert: "(iii) Forty Following the distribution required by subparagraph (i) of this paragraph, forty"; in line 10, delete "(ii)" and insert: "(iii)"; in line 14, delete "(ii)" and insert: "(iii)"; and in line 21, delete "(ii)" and insert: "(iii)".

On page 8, in line 31, delete "twenty mil-"; and delete lines 32 through 36, and insert: "thirty-four million dollars (\$34,000,000) shall be distributed each year by the state tax commission to the forty-four (44) counties in the proportion that the expenditures of each county for indigent defense services during county fiscal year 2021, excluding any state funding or grants, bear to the expenditures of all counties in the state for indigent defense services during county fiscal year 2021, excluding any state funding or grants. No later than July 1, 2022, the state public defense commission shall certify to the state tax commission each county's proportionate share of all counties' indigent defense expenses in county fiscal year 2021, excluding any state funding or grants.".

#### AMENDMENT TO SECTION 24

On page 11, in line 12, delete "<u>January</u>" and insert "<u>March</u>"; in line 15, delete "<u>January</u>" and insert "<u>March</u>"; in line 20, delete "<u>January</u>" and insert "<u>March</u>"; following line 20, insert:

"(4) A board of county commissioners, the board of the catastrophic health care cost program, or the department of health and welfare receiving an application for assistance for services received through March 31, 2022, shall process such application pursuant to this chapter as it existed on March 1, 2022.";

and in line 21, delete "(4)" and insert: "(5)".

## AMENDMENT TO SECTION 31

On page 11, delete lines 38 and 39, and insert:

"31-3510A03. REIMBURSEMENT. (1) Receipt of financial assistance pursuant to this chapter An approved application for financial assistance for services received through March 31, 2022, shall obligate an applicant".

On page 12, in line 5, delete "disbursed" and insert: "distributed"; in line 32, delete "catastrophic health care cost program" and insert: "eatastrophic health care cost program state"; in line 33, delete "medically indigent" and insert: "medically indigent current expense"; and delete lines 34 through 38, and insert:

"(8) If, after a hearing, the final determination of the county commissioners is to require a reimbursement amount or rate the applicant believes excessive, the applicant may seek judicial review of the final determination of the county commissioners in the manner provided in section 31-1506, Idaho Code. The automatic lien attached to an application for services received through March 31, 2022, pursuant to this chapter as it existed on March 1, 2022, shall continue to be valid for the purposes of collecting reimbursement pursuant to this section.".

On page 17, following line 2, insert:

"SECTION 52. That Section 31-3558, Idaho Code, be, and the same is hereby repealed.

SECTION 53. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

- 57-811. TAX RELIEF FUND. (1) There is hereby created in the state treasury the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations, or any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.
- (2) On July 15, 2021, the state controller shall transfer one hundred eighty million dollars (\$180,000,000) from the tax relief fund to the 2021 Idaho tax rebate fund.
- (3) For fiscal year 2022 and each fiscal year thereafter, the state controller shall transfer one hundred ten million dollars (\$110,000,000) from the tax relief fund to the general fund.
- (4) In addition to any other transfers authorized under this section, for fiscal years 2023 and 2024 only, the state controller shall transfer up to thirty-four million dollars (\$34,000,000) from the tax relief fund to the general fund.
- (5) On July 1, 2024, any remaining moneys in the tax relief fund shall be distributed pursuant to the provisions of section 63-3638, Idaho Code."; and renumber subsequent sections accordingly.

### AMENDMENT TO SECTION 52

On page 20, in line 37, delete "the chari-"; and delete line 38, and insert: "indigent public defense. The reduced budget amount shall be the base budget for the purpose of subsection (1) (a) (i) of this section.".

# AMENDMENT TO SECTION 59

On page 26, delete lines 26 through 42.

### AMENDMENT TO THE BILL

On page 26, delete lines 43 through 49, and insert:

"SECTION 62. That Section 57-811, Idaho Code, be, and the same is hereby repealed.

SECTION 63. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 through 38, 54, 59, and 61 of this act shall be in full force and effect on and after passage and approval; and Sections 1 through 4, 53, 55, 57, 58, and 60 shall be in full force and effect on and after July 1, 2022. Sections 39 through 52 shall be in full force and effect on and after July 1, 2023. Section 62 shall be in full force and effect on and after July 2, 2024. Section 56 shall be in full force and effect on and after October 1, 2024."

# CORRECTION TO TITLE

 On page 1, in line 35, following "CLAIMS;" insert: "REPEALING SECTION 31-3558, IDAHO CODE, RELATING TO CERTAIN NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION; AMENDING SECTION 57-811, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF MONEYS FROM THE TAX RELIEF FUND;".

On page 2, in line 2, delete "AND TO PROVIDE CERTAIN EXCEPTIONS;" and insert: "; REPEALING SECTION 57-811, IDAHO CODE, RELATING TO THE TAX RELIEF FUND;".